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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,867	08/24/2005	Nobuyuki Suda	Q85358	2894
23373 7590 01/03/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER KNABLE, GEOFFREY L	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,867	<b>Applicant(s)</b> SUDA, NOBUYUKI	
	<b>Examiner</b> Geoffrey L. Knable	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-16-04</u> | 6) <input type="checkbox"/> Other: ____  |

1. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4 and 5, prefacing the reference to the drum by "a" rather than for example "the" (especially at least for the reference to "a drum" in line 5) raises some potential for confusion in assessing the scope of protection afforded by the claim as it is not clear if it is the same drum being referenced. In other words, if it is not the same drum, then it is not clear if for example it is the same "axial direction."

In claim 1, line 9, the relative location of the cutting means is somewhat ambiguous as it is not entirely clear what part of the drum constitutes "one end side of the drum" and what the scope of "arranged at" is. For example, there is no indication what direction this reference to "side" and "end" is with respect to. It would be clearer if these were more explicitly described as relative to the "axial direction of the drum" (as previously already done for the moving direction of the traveling head). Note a similar reference to "axis" in method claim 9 (although this should probably be "axial" as noted below). Further, to provide more context or clarification of the scope of the "arranged at", it would be clearer if the fact that the cutting means is for cutting the tire component member that is "affixed" to the drum were made more explicit. Note that for purposes of this office action, these requirements in claim 1 have been read consistent with the above noted suggestions (and consistent with the corresponding structure described in the specification for the recited cutting means).

Claim 3, line 2 ("is made possible to displace near...") is grammatically awkward and thereby somewhat confusing.

In claim 9, in at least lines 3, 5, 6, and 9, the "drum", "clamp" and "traveling head" are prefaced by "a" rather than for example "the" or "said", this raising some confusion in assessing the scope of the claim as it could be argued that it does not clearly refer back to the corresponding already defined elements from claim 1.

In claim 9, line 9, the reference to "axis end" is awkward. It seems this should at least refer to "axial" rather than "axis".

2. Claims 1-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Among the closest cited art, WO 02/055289 to Suda et al. discloses a method and apparatus for affixing band shaped tire components successively to a drum using an axially moving traveling laying head (e.g. 120 in figs. 10-13) but does not otherwise suggest a method and apparatus as claimed and particularly the inclusion of an independently arranged clamp means for pushing a protruded front end, a cutting means arranged at an axial end side of the drum separated from the clamp means or a widthwise guide means and chuck means in the traveling head as claimed.

Caretta et al. (US 7,041,185) discloses a method of making a tire including what can be termed an axially traveling head (21 in figs. 2-5) as well as a clamp means (22) and a cutter (23). The clamp means is not however arranged to or capable of pushing a front end portion of the tire component member protruded ahead from the traveling head at or relative to a forward moving state of the traveling head as claimed. Further,


the cutting means is not arranged at one end side of the drum (read as already noted above) but rather is entirely separate from the drum and therefore effects an upstream cutting. A guide means in the traveling head as claimed is likewise not taught. Marchini et al. (US 6,702,913) provides a similar disclosure (figs. 1-4) but likewise fails to teach or render obvious a method or apparatus as claimed.

None of the closest cited art, then, whether taken singly or in combination, would teach or render obvious an apparatus and method as claimed.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1791

G. Knable  
January 1, 2008